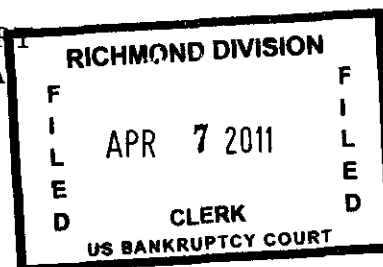


IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

§
§
§
§
§

Chapter 11

Case No 08-35653 (KRH)

Jointly Administered

RESPONSE AND REQUEST FOR HEARING TO LIQUIDATING TRUST'S TWENTY-FIRST OMNIBUS OBJECTION TO LANDLORD CLAIMS (REDUCTION OF CERTAIN PARTIALLY INVALID CLAIMS, RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS, DISALLOWANCE OF CERTAIN INVALID CLAIMS, DISALLOWANCE OF CERTAIN LATE FILED CLAIMS, AND DISALLOWANCE OF CERTAIN AMENDED CLAIMS)

Capmark Finance, Inc. ("Capmark"), by and through its counsel, hereby files this Response and Request for Hearing to Trust's Twenty-First Omnibus Objection To Landlord Claims (Reduction of Certain Partially Invalid Claims, Reclassification of Certain Misclassified Claims, Disallowance of Certain Invalid Claims, Disallowance of Certain Late Filed Claims, and Disallowance of Certain Amended Claims) (the "Objection"), and states as follows:

Proof of Claim 14363

1. The Trustee for Debtors has objected to the proof of claim number 14363 (the "Claim") filed by Capmark as the assignee of leases by, and rents owing to, certain of the Debtor's real property landlords (the "Landlords") as set forth in Exhibit A.

2. As stated in the Claim, despite remaining in possession of the premises since the

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filing of its petition for relief under Chapter 11 of the Bankruptcy Code, the Debtors did not remain current with respect to the post petition Rent due under the Leases.

3. The Claim was filed on June 30, 2009, in the amount of \$1,120,367.89 for unpaid post petition Rent.

4. Circuit City rejected all the leases that are the subject of proof of claim 14363.

5. With regard to proof of claim 14363 Trustee for Debtors states that:

“Expunge as unsupported by debtors books and records”

6. Rule 3001(f) of the Federal Rules of Bankruptcy Procedure provides that a “proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim. Fed. R. Bankr P. 3001(f).

7. After a creditor has timely and properly filed a proof of claim, the Debtor must produce substantial evidence to rebut this prima facie evidence. See in re Hemingway Transp. Inc. 993 F.2d 915, 925 (1st Cir. 1993) (“The interposition of an objection does not deprive the proof of claim of presumptive validity unless the objection is supported by substantial evidence”); In re Harford Sands, Inc. 372 F.3d 637,640-41 (4th Cir. 2004) (Creditor's filing of proof of claim constitutes prima facie evidence of amount and validity of claim, and burden is on debtor to object to claim and to introduce evidence to rebut its presumptive validity); In re Gran, 964 F.2d 882, 827 (8th Cir. 1992) (“The objection party must then produce evidence rebutting the claimant or else the claimant will prevail.”)

8. In this case, the Claim was filed prior to the Bar Date and in accordance with the Federal Rules of Bankruptcy Procedure and provides sufficient documentary support for the Claim and the calculation of the Claim amount. The Objection does not challenge the basis for

the Claims or provide any evidence whatsoever to supports its objection to the calculation of the Claims amounts.

9. The Debtor bears the burden of proof for the disallowance of any portion of the Claims. See In re Woodmere Investors Ltd. Partnership, 178 B.R. 346, 354 (Bankr. S.D.N.Y. 1995) Because Trustee for Debtors has produced no evidence whatsoever in support of the proposed reduction, he has failed to meet his burden of proof.

WHEREFORE, Capmark respectfully requests that the Court (a) overrule the Objection as it relates to the Claim; (b) allow the Claim as provided in the proof of claim; and (c) grant Capmark such other and further relief as this Court deems appropriate under the circumstances.

Dated: April 6, 2011

BRYAN CAVE LLP

By: /s/ Philip J. Meitl
Philip J. Meitl (VA Bar No. 73215)
Bryan Cave LLP
1155 F Street NW, Suite 700,
Washington DC 20004
(202) 508-6000 (phone)

Attorney for Capmark Finance Inc.

CERTIFICATE OF SERVICE

The undersigned hereby states that on the 6th day of April, 2011, a true and correct copy of the above foregoing instrument was sent to:

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street-Room 4000
Richmond, VA 23219

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Telephone (804) 783-8300
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/s/ Philip J. Meitl
Philip J. Meitl

982003744	1001 Plymouth Rd., Minneapolis, Minnesota 55405	Pricella J. Rove, L.L.C., as assigned from Circuit Investors 84-Ordinance City Limited Partnership, a Texas limited CC Lafayette, LLC	3/31/2008	\$42,044.33	4.7	\$281,653.22	\$187,608.35	\$82,227.22
982003746	5624 Johnston Street, Lafayette, Louisiana 70503	Circuit Investors 85 Montgomeryville LP	12/31/2008	\$31,770.67	4.7	\$159,820.22	\$148,322.15	\$9,130.19
982003745	18701 E 39th St S., Independence, Missouri 64057	Independence, a Pennsylvania limited partnership	12/31/2008	\$33,324.67	1.7	\$56,651.94	\$56,651.94	
982003726	24244 Hwy 18, Clearwater, FL 32483		3/10/2009	\$40,894.81	4	\$122,984.43	\$161,979.24	\$38,340.67
982003741	9990 Joliet Rd, Country Side, IL 10566	CC Countryside 08 LLC	12/31/2008	\$33,629.67	1.7	\$90,985.32	\$90,985.34	\$16,718.51
11016738	2890 East Main, Cortland, New York 10566	Cortland E, LLC, a New York limited liability company	3/31/2009	\$58,594.84	4.7	\$189,671.88	\$275,395.75	\$18,422.71
982005445	2000 SW 198th Street, Lynnwood, Washington 98036	WEC 98D Lynnwood Investment Trust, a Delaware business trust	3-31-Mar-09	\$55,691.87	3.8	\$212,963.66	\$211,248.35	\$16,909.68
982005446	4071 Miller Road, Flint, Michigan 4807	Daniel G. Kamin Fire LLC, as assigned from WEC 98D Fire Investment Trust, a Delaware business trust	23-Feb-08	\$54,003.33	3.52	\$244,171.70	\$190,081.72	\$33,982.00
982005449	4535 West College Ave., Grand Chute, Wisconsin 54816	WEC 98D Appleton-1 Investment Trust and WEC 98D Appleton-2 Investment Trust	3/31/2009	\$39,706.33	4.7	\$159,729.62	\$188,628.15	\$23,053.82
982005328	24001 El Toro Road, Laguna Hills, California 92653	WEC 98D Laguna Investment Trust, a Delaware business trust	3/31/2009	\$69,666.67	4.7	\$261,104.77	\$328,467.35	\$44,132.22
982005347	3124 Vestal Parkway East, Vestal, New York 13850	WEC 98D Vestal Investment Trust, a Delaware business trust	3/31/2009	\$42,866.00	4.7	\$172,508.37	\$201,559.50	\$74,338.73
987004674	4800 28th St. SE, Kentwood, Michigan 4800	Bond-Circuit VII Delaware Business Trust, a Delaware business trust	3/31/2009	\$45,372.75	4.7	\$182,515.55	\$213,251.93	\$47,210.72
987004675	7320 Market St., Boardman, Ohio 44804	Bond-Circuit V Delaware Business Trust	3/31/2009	\$43,798.95	4.7	\$176,184.68	\$205,855.07	\$26,852.04



987004877	3423 Chanson Blvd, Anderson, South Carolina	Bond-Circle II Delaware Business Trust, a Delaware business trust	3/31/2009	\$28,860.17	4.7	\$100,323.65	\$126,336.80	\$23,081.31
987004876	3475 William Penn Hwy, Wilkes Township, Pennsylvania 15140.	WM/MPL Business Trust, a Delaware business trust and WM/MPL Business Trust	3/10/2009	\$76,455.92	4	\$307,550.10	\$305,623.66	\$77,348.33
987004873	36309 Warren Road, Westland, Michigan 48155	WM/MPL Business Trust, a Delaware business trust and WM/MPL Business Trust	2/23/2009	\$66,226.00	3.52	\$233,210.13	\$233,115.52	\$40,621.73
PAID IN FULL 1505 S. Colorado Blvd, Denver [Gendalia], Colorado 80222								
		CC - Investors 1987-4, a Delaware business trust	3/31/2009					
987004871	4483 US Route 14, Crystal Lake, Illinois	CC-Investors 1987-3	12/31/2008	\$42,740.00	1.7	\$72,224.00	\$72,658.00	
982005661	4110 Atlanta Highway, Athens, Georgia	Kelp-Athens, LLC, a Massachusetts limited liability company	12/31/2008	\$28,192.92	1.7	\$28,182.92	\$47,927.96	\$4,920.23
600870462	8950 Maryland Drive, Richmond, Virginia		2/28/2009				\$465,930.31	
987004872	8405 E. Kellogg Dr., Wichita, KS		11/10/2008	\$126,927.11	3.7	\$503,708.44		\$123,989.72
987004870	1901 Okeschopee Blvd., West Palm Beach, FL		3/31/2008	\$48,790.00	0	\$0.00	\$296,860.10	\$59,990.80
				\$69,783.00	4.7	\$189,531.75		
TOTAL						\$3,765,696.06	\$3,986,728.19	\$52,404.71
TOTAL ADMINISTRATIVE CLAIM								\$783,321.16
						\$1,120,387.89		\$80,809.88

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:	§	
	§	Chapter 11
CIRCUIT CITY STORES, INC., et al.,	§	
	§	Case No 08-35653 (KRH)
Debtors.	§	
	§	Jointly Administered

CAPMARK FINANCE, INC.'S REQUEST FOR HEARING

Capmark Finance, Inc. ("Capmark"), by and through its counsel Bryan Cave LLP, hereby files its Request for Hearing on its Response to Liquidating Trust's Twenty-First Omnibus Objection to Landlord Claims (Reduction of Certain Partially Invalid Claims, Reclassification of Certain Misclassified Claims, Disallowance of Certain Late Filed Claims, and Disallowance of Certain Late Filed Claims, And Disallowance of certain Amended Claims.) (the "Response").

Capmark filed the Response on April 6, 2011. As set forth in the Response, the objection to proof of claim 14363 should be denied and the claim should be allowed in its entirety.

WHEREFORE, Capmark Finance, Inc. respectfully requests the Court schedule a hearing on its Response for 2:00 p.m. on May 11, 2011 and grant such other and further relief as the Court deems just and proper.

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Attorney for Capmark Finance Inc.

Dated this 6th day of April, 2011.

Respectfully submitted,

BRYAN CAVE LLP

By: P.J. Meitl (VA Bar No. 73215)
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(202) 220-7343 (facsimile)
pj.meitl@bryancave.com

Attorney for Capmark, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2011, a true and correct copy of the foregoing was served through the Court's ECF system to all parties consenting to service through same, and on all parties listed on the attached service list by overnight mail.

/s/Philip J. Meitl
Philip J. Meitl